

MILLIKENS IN BANKRUPTCY

LIABILITIES \$6,500,000 AND ASSETS \$8,000,000.

Enormous Staten Island Steel Plant an Undertaking Too Big to Be Handled—Business Will Go On—Reorganization Will Follow—\$3,000,000 in Contracts.

With liabilities of \$6,500,000 and assets estimated at \$8,000,000, Milliken Bros. (incorporated), contractors for the Pennsylvania Railroad terminal steel work and one of the largest concerns in the country engaged both in the manufacture of structural steel and iron and in contracts for structural steel construction, allowed themselves yesterday to be put into bankruptcy on the petition of four creditors. The petition was filed at 4 P. M. in the United States court here by McDonald & Roswick of 15 William street, attorneys for these creditors: Niles-Reynolds Company, \$11,625; Snyder & Black, \$408; John A. Rosbling's Sons Company, \$2,960, and Robert W. Hunt & Co., \$623. The corporation admitted in writing its inability to pay its debts and its willingness to be adjudged bankrupt. Of the estimated liabilities of \$6,500,000, \$3,500,000 are unsecured and \$3,000,000 are bonds secured by mortgage on the concern's plant at Mariners' Harbor, Staten Island.

William Nelson Cromwell, counsel for the company, said last night that the business consists of two branches, one the construction and erection of bridges, etc., and the other the manufacture of open hearth steel and the rolling of the same into billets, blooms, slabs or structural shapes suitable for use in the construction of bridges and other structural work.

The bridge department had been carried on successfully and very profitably for a number of years, and this led the company to the construction of the open hearth steel plant. The plant, comprising 160 acres and a modern and completely equipped bridge plant and open hearth steel plant, is completed and in full operation. The company has contracts for the erection of bridges and buildings the world over, it has about 3,000 to 3,500 men in its employment, its weekly payroll is about \$50,000, its business under construction is about \$5,000,000 and is of a profitable character.

The estimates for the completion of this steel plant were, as usual, exceeded in fact and exhausted the working capital. This was in part supplied by the individual resources of its principal stockholders, but still remained inadequate. The liabilities are about \$6,500,000, of which \$3,000,000 are represented by first mortgage bonds.

The capital stock is \$5,500,000, of which \$3,000,000 is 7 per cent. cumulative preferred and \$2,500,000 is common stock. The assets comprises a plant which, with the real estate and machinery, is valued at \$7,500,000, and merchandise and supplies on hand of the value of about \$500,000 more. About three-quarters of a million is invested in construction under outstanding contracts.

It was manifest to all concerned that the wisest course was to conserve this vast business by placing the same under the jurisdiction of the court without preference and with perfect equality to all, and thereby prevent discrimination and ruinous sacrifice. Application was therefore made yesterday to Judge Holt of the United States District Court for the appointment of receivers. The matter was argued at the Bar Association last night before Judge Holt, who has taken the subject under consideration.

Mr. Cromwell further stated that while it had been customary with the bar to avoid this bankruptcy court, he expected to show in this case that the machinery of the bankruptcy court and the administration of the Federal judiciary would prove the wisdom of the law and encourage recourse to it in the preservation and reconstruction of corporate affairs.

He also stated that he had in contemplation a plan for the speedy reorganization of the company and intended to submit to the creditors at an early date, and as far as he had completed independent investigations, a definite plan of reconstruction. In the meantime counsel had patience and forbearance on the part of creditors as being in their best interests.

It was learned that on Saturday night there was a meeting of the directors of the company which lasted until 2:30 o'clock on Sunday morning. It was decided to apply for a receiver. Some of the creditors are said to have consented to this plan.

ASSEMBLY REFUSES TO YIELD

PASSES SPEAKER WADSWORTH'S APPORTIONMENT BILL.

Only Two Votes Cast Against the Bill—The Bill Hurried Over to the Senate, Which Non-Consented and Asked for a Committee of Conference.

ALBANY, June 10.—With State Chairman Timothy L. Woodruff and Herbert Parsons, president of the New York county Republican committee, here to help him, Speaker Wadsworth to-night asserts positively that the Senate will have to recede from its position in the apportionment question. The speaker has the support of the Republican organization, as its influential men are with him. It developed that William Barnes, Jr., had advised the speaker to make a stand to retain the prestige of the Wadsworth family, as far as getting Livingston county in a district that would be congenial is concerned.

To-night, with but two votes in opposition, those of Assemblymen Donnelly and Geoghegan (Dem., Kings), the Assembly passed Speaker Wadsworth's apportionment bill. It was sent to the Senate at once, and on motion of Senator Raines the Senate non-consented in the Assembly amendments. Senator Raines also asked for the appointment of a conference committee.

When State Chairman Woodruff went to Senator Paines and asked him to pass another apportionment bill the Republican leader of the Senate told him in emphatic tones that the Senate had passed the only apportionment bill that it would this session. He also said that the Republican organization could not inject itself into this question at this time.

Senator Raines also reminded Mr. Woodruff of something that did not get well on his mind. He told Mr. Woodruff that it was he who told the Senators to fix up an apportionment bill that would only correct the two districts that the Court of Appeals had declared unconstitutional. He also reminded Mr. Woodruff that he as State chairman had said that there should be no general reapportionment, even despite the message of the Governor calling for a complete change in districts.

The declaration of Senator Raines complicated the situation and shows that the Senate is not going to surrender. Mr. Woodruff believes he can evolve a plan that will clear the muddle and straighten out everything without provoking a dangerous spirit of hostility. It is admitted by all that the Wadsworth bill as it passed the Assembly to-night would not be signed by Gov. Hughes, for the district that he framed for the Wadsworths would control it, of Livingston, Allegany, Genesee and Wyoming counties is admittedly unconstitutional.

The speaker hoped, though, that at the conference it would be so arranged that Genesee county would be taken from that district and placed with Orleans and Niagara.

This would mean that the Wadsworths would have to sacrifice either Senator Hooker or Franchot, but it was said Senator Hooker was willing to be a martyr to the Wadsworth interests.

State Chairman Woodruff to-night, without committing himself as far as names were concerned, said that the apportionment of Senator Tully was one that would help Benjamin B. Odell, Jr. The Wadsworth people were insisting to-day that by the Tully plan the eight judicial Senate districts would be so arranged that Mr. Odell, with the aid of William C. Warren of Buffalo and Superintendent of Public Works Sweeney, could control them in the interests of the former Governor and deposed boss. Mr. Woodruff to-night said:

"I don't think that the Republican organization as it is at present should stand for an apportionment that would restore to power the present enemies of the organization. You know who I mean. It isn't necessary to go into details over it, either."

Senator Tully says that as far as creating districts for Mr. Odell's benefit is concerned there is no truth in such a statement.

As yet Gov. Hughes has carefully refrained from making known his position one way or the other. That the Governor is not committed to any one plan of apportionment is well known. He would sign the Tully bill if it came to him because he knows it is constitutional and believes it to be fair. But should Speaker Wadsworth evolve another plan that was also constitutional and is just as fair he would also sign that.

When Senator Raines announced his conference committee there was considerable confusion about it. At first the committee was to consist of Senators Tully, Smith and McCarren. When Senator Grady learned this he objected and insisted that his name should go on. The change was made and announced by the clerk.

Speaker Wadsworth announced as his committee: Assemblymen Phillips, Prentiss, Morrill, Hammond and Oliver. The committees will meet to-morrow. Though the Assembly committee wanted a meeting to-night, Senator Tully refused to have one.

DROPPED DEAD AFTER A FAST.

Printer's Heart Falls After Taking Nothing but Water for Nine Days.

WASHINGTON, June 10.—As the probable result of a fast undertaken by the members of a physical culture association, John H. Swardford, a printer at the Government Printing Office, dropped dead of heart disease this morning after beginning his day's work. The members of the organization, said to number several thousand, began the fast on June 1, they agreeing to take nothing but water for thirty days.

Swardford, who was also a vegetarian and 48 years old, was urged by his friends to abandon the ordeal on account of his increasing weakness, but persisted in fasting and was entering his tenth day of abstinence this morning. The exertion of walking to the printing office was apparently too great for his strength, for after reaching the place his heart failed and he dropped dead.

Swardford was from Pasadena, Cal., where a brother and sister live. He was a member of the Economic Educational League and of the Socialist party.

THROUGH AMBROSE CHANNEL.

Tank Drawing Twenty Feet Takes a Chance by New Route.

The big steel tank steamship Phoebeus, in yesterday in ballast from Hamburg and Shields, rather surprised the marine observers at Sandy Hook yesterday morning by sailing into port directly through the Ambrose channel. If she had been an ordinary ocean crosser of light draught the observers would not have made a note of it, but she was drawing 20 feet, maybe, and as the new channel is not buoyed, except at points where dredging is going on, the observers naturally concluded that the tank must have had a wise and venturesome pilot aboard. She saved seven or eight miles by making the straight course instead of going through the circuitous ship channel. That means that she gained about an hour in time.

It was said at the office of the engineer at the Army Building, who has charge of dredging the channel, that the Phoebeus's pilot took a little chance and that he probably had to zigzag a bit. Half the channel, which when completed will be 1,000 feet wide and 40 feet deep at low tide, is now navigable high tide for boats drawing 25 feet. It was said also that probably within the next month half of the channel could be used, even by the deepest ships that come into port at present, provided they did not have unusually heavy cargoes.

Liners drawing 33 feet might come up through Ambrose at high water possibly before the end of August. Even the colossal Cunard turbines, the Lusitania and Mauritania, due here some time in the fall, might be able to use the new channel on their maiden trip.

ESCAPED MURDERER CAUGHT.

Remark About His First Drink in Nine Years Leads to Capture of Strickland.

TRENTON, N. J., June 10.—The remark that he was drinking his first glass of beer in nine years led to the arrest to-day of Ruben Strickland, a Middlesex county murderer who escaped from the State prison yesterday.

Strickland had gone as far as Metuchen and dropped into a saloon for a drink. His remark was noticed by Everett Toppa, who recalled the description sent out yesterday of the escaped murderer. Toppa telephoned to Marshal Enos Pouratt, and Strickland was taken at the point of a revolver. He denied his identity at first but subsequently admitted that he was the escaped convict.

Strickland told Head Keeper Osborne to-night that before leaving the prison he had stolen a pair of corduroy trousers from one of the prison contractors. He accounted for some money in his possession by saying he had borrowed it from a stranger on the plea that he was working his way to the West.

With good behavior Strickland would have been entitled to nearly ten years commutation on his thirty year term. He will now have to serve the full time with any additional sentence that may be imposed for breaking jail.

SCHMITZ PROSECUTION CLOSED.

District Attorney Heney Falls to Put Boss Ruff on the Stand.

SAN FRANCISCO, June 10.—The prosecution suddenly closed its case against Mayor Schmitz to-day, to the surprise of the defense and every one else except Prosecutor Heney.

Judge Dunne, after listening to argument for several hours, ruled that the testimony of the French restaurant keepers who paid Ruff for protection could be admitted to show a general scheme of blackmail and extortion devised by the Mayor.

Camille Mailheba, a restaurant keeper, testified that he had paid \$500 in gold to Ruff, but that the boss told him plainly that he could not guarantee to get him a license, but would do the best he could.

After this testimony, which did not seem to satisfy him, Mr. Heney announced suddenly that the prosecution rested its case. This caused much surprise, as it was expected that Ruff would be put on the stand.

The defense asked for an adjournment till to-morrow, but Judge Dunne gave them fifteen minutes to prepare for opening their side of the case. Attorney Campbell briefly outlined Schmitz's case, declaring that the prosecution had failed to connect the Mayor with any case of extortion.

DYNAMITE ON CAR TRACKS.

Three Attempts Made to Blow Up Street Cars in Birmingham.

BIRMINGHAM, June 10.—Three attempts were made to dynamite street cars loaded with passengers on Saturday night and yesterday, but the police have no clue to the perpetrators.

A car on the Broadway line was dynamited as it passed a secluded spot. The bottom of the car was torn out and all the windows shattered, but no one was injured. Subsequently a dynamite cartridge, unexploded, was found near the track, and had this gone off car and passengers would have been blown into the river. Dynamite was fastened to the rail on Clinton street and exploded as the car passed, but no serious injury was done.

Explosives were laid on the track on Main street, but failed to explode as the car passed over them because of negative wiring. A large cartridge was on the track on Main street, but the car was stopped and the obstruction removed.

It is believed the dynamite is being used by persons not connected with the unions or strikers in any way. The street car strike has been on for more than a month.

TRAIN DITCHED, SIX HURT.

Bad Accident to Eastbound Fast Express on the Texas Pacific.

POOLROOM CENTRALS RAIDED

BOB DAVIS SYNDICATE GETS A SOLAR PLEXUS PUNCH.

Dutch Schultz Found at Home With a Battery of Telephones and a Telegraph and Telephone Receiving Station Broken Up—Acid Bath for Records.

The District Attorney's office thinks it broke up yesterday the central telephone and telegraph offices of the Bob Davis poolroom syndicate in whose operations "Sen. G." figured.

The prosecution in these cases is being prepared by Assistant District Attorney Vandiver from information which he secured several months ago in a raid at 112 Nassau street, in which Charles Kelly and Keator were arrested.

Mr. Vandiver secured two search warrants yesterday from Magistrate Barlow for rooms at 662 Sixth avenue and 43 West Twenty-fourth street. The latter has long been known as "Dutch" Henry Schultz's poolroom. The warrants were turned over to Deputy Commissioner Hanson, and two squads of four men each left Police Headquarters late in the afternoon. In the party were Lieutenants Ayres and England of Deputy Commissioner Hanson's staff.

Hammond, chief of the county detectives and three of his men, Fitzsimmons, Beery and Flood, Lieut. Wilson from Deputy Police Commissioner Bugher's office and some of his force—these in addition to Mr. Vandiver. The raids were to be made at 4:30, but a difference of two minutes in watches brought the one at 43 West Twenty-fourth street off first.

"Dutch Henry's" is a four story stone dwelling close to the Hoffman House. Schultz and his family live there. One of the raiders went up the front steps alone and rang the bell. Nobody answered.

Down in the arway, where the officers went next, there was a door of steel grating and a wire screen besides the regulation door. There were jimmies and nippers and smooth keys enough in the party to get through with. Before they could get from the basement to the ground floor there were other such barriers, though, and it took some time to get by.

The three lower floors are where the Schultz family live. At the head of the stairway on the fourth floor came the next barricade. When the visitors finally got inside they found that the dozen men who were there had lots of chance to destroy evidence.

The telephones were there—twenty-five of them—a megaphone and such like; but under the water cooler stood a tank of acid, into which had been dumped at the first alarm a mass of racing charts and other literary material. The detectives slashed it all out, but the acid had eaten the ink away. Everybody was served with a subpoena, telling him to appear before the Grand Jury to-day. One of them was Schultz himself, and another, who is said to be Schultz's manager, gave his name as James Martin. There were no arrests.

The biggest thing about the raid at this house, from the officers' standpoint, is that a subpoena was served on Schultz. It has been tried in vain a lot of times before.

The twenty-five telephone instruments confiscated were mostly attached to trunk lines. Their numbers were 3500-3519 and 420-4281 Madison Square. There were also private wires, the police say, between this room and the other place that was raided, at 662 Sixth avenue.

The Sixth avenue outfit was not so well guarded, but the official notion that it was the receiving center for all the Bob Davis syndicate news from race tracks outside of New York and the distributing point for all the poolrooms and a great number of handbooks in Manhattan north of Twenty-third street. The place was a fourth floor rear room in an office building. The police found half a dozen men who seemed to have been operating three telegraph instruments and nine telephones. They also were subpoenaed and the instruments were seized.

It was said last night that a bank book found at Schultz's showed the receipts of the place to have been about \$20,000 a month.

The raids were not made as a reflection on Capt. McCuskey of the Tenderloin.

JUDGMENT FOR FOUR MILLIONS.

Southerner, Now Australian Millionaire, Must Pay Spanish Woman.

LONDON, June 10.—Judgment for the enormous sum of \$4,135,000 has been given in the law courts against F. L. Gardner, the Australian gold mining millionaire, who is ordered to pay this to Señora DeBeitzegui, a Spanish lady. Mr. Gardner's counsel appeared after the suit was commenced and stated that he was not in a position to defend the above named sum.

According to the lady's counsel, Mr. Gardner got the money used for by conspiring with her secretary, who from time to time invested large sums of her capital, the profits being divided between Mr. Gardner and the secretary.

Mr. Gardner was born in the Southern United States. He fought in the Confederate army and worked in a San Francisco bank before he went to Australia.

DANISH KING IN LONDON.

Entertained at the Guildhall and Cheered by the People.

LONDON, June 10.—King Frederick VII. and Queen Louisa of Denmark visited the city of London to-day and were entertained at Guildhall. The route along which they drove was gayly decorated with flags and flowers, and as the weather was fine great crowds turned out and thoroughly enjoyed the military display and the music provided by the regimental bands.

The royalties were received enthusiastically. The customary city ceremonial was observed at Guildhall.

THE LONGWORTH TO VISIT YELLOWSTONE PARK AND HAWAII.

WASHINGTON, June 10.—Representative and Mrs. Nicholas Longworth have planned a trip through the Yellowstone Park with a vacation later to be spent in the Hawaiian Islands. They will leave Cincinnati on June 20 and make the trip through the Yellowstone National Reservation on horseback. It is their intention to take a cottage near the seashore in the Hawaiian Islands and spend a month there.

ALL "UNDESIRABLE CITIZENS."

Convention of Western Federation Has No Business but to Save His Officers.

DENVER, June 10.—"I am one of the undesirable citizens," is the spirit of the fifteenth annual convention of the Western Federation of Miners, blazoned on buttons worn by nearly all the delegates.

Virtually no business was transacted at to-day's meeting. The most important work is to devise means to put up a greater fight for the freedom of Moyer, Haywood and Pettibone.

To leading spirits in the deliberations of the convention are Eugene V. Debs and Vincent St. John, at present of Goldfield, Nev., but formerly of Telluride.

HOTEL NORMANDIE CLOSED.

Last Proprietor Lost \$80,000 in Four Years—D. B. Hill's Old Headquarters.

The Hotel Normandie, at Broadway and Thirty-eighth street, which has been in the hands of a receiver for several weeks, closed its doors yesterday. Frederick C. McLaughlin, the receiver, will wind up its affairs.

Elmer E. Almy, who has run the hotel for the past four years, lost about \$80,000, it was said at the hotel yesterday. The Normandie was unable to keep pace with newer hotels which have opened recently to the north along Broadway.

When David B. Hill was the Democratic boss of the State he used to make the Normandie his stopping place and his headquarters for political conferences.

AMERICANS IN AUTO SMASH.

Harry Johnson of California Dead—Mrs. and Mr. Blake May Die.

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, June 10.—Mr. and Mrs. Blake of Philadelphia and Mr. and Mrs. Harry Johnson of California, who were staying at Oxford, hired an automobile and left there this morning en route for Stratford-on-Avon.

They reached a dangerous spot on Sunning Hill about noon. The car, which was running at a tremendous pace, was overturned.

Mr. Johnson received a severe fracture of the skull, and died at 3:30 without regaining consciousness. Mrs. Johnson's condition is precarious, but hopes are entertained of her recovery.

It is feared that Mr. Blake received fatal injuries. Mrs. Blake was also hurt, but her condition is hopeful.

GEN. KUROKI TO SECY METCALF.

"Warmest Thanks for the Great Courtesy and Kindness Extended to Him."

WASHINGTON, June 10.—Acting Secretary Newberry of the Navy Department to-day received the following despatch from Gen. Baron Kuroki, who sails from Seattle for Japan to-morrow:

To His Excellency the Secretary of the Navy, Washington, D. C.: I have the honor to express my warmest thanks for the great courtesy and kindness with so generously extended to me while I was in your country. I leave your beautiful soil to-morrow morning with pleasant memories.

Assistant Secretary Newberry carried the telegram to Secretary Root, who read it with much interest.

ELEPHANT STEPS ON A BOY.

He Had Fallen Under the Animal as He Was Running Across the Street.

BUFFALO, June 10.—As a circus parade was passing down Main street here this morning an Italian boy, 13 years of age, darted across ahead of four elephants. Confused or frightened, he stumbled and fell against the leading elephant, which brushed him aside with its trunk. The lad reeled under another elephant and the mighty beast stepped on him.

The boy died in an ambulance on the way to a hospital. It was the fall that killed him, for the only injury he showed was a badly fractured skull. The elephants did their best to avoid injuring the lad. He was not identified until late this afternoon.

KAISER AND CZAR TO MEET.

Rumors That They'll Talk Over Political Matters This Summer.

SPECIAL CABLE DISPATCH TO THE SUN. COPENHAGEN, June 10.—It is learned from court circles that the Kaiser intends to meet the Czar during a summer trip in Scandinavia. It is expected that political matters of great importance will be discussed. The place of meeting is as yet a secret.

FIREMEN WERE FIREBUGS.

Started Fires in Town in Saxony to Win Rewards as Heroes.

BERLIN, June 10.—A series of forty-three fires in Saxony, Germany, which began in 1896 to 1898, by which sixty-three houses were burned, has been traced to the volunteer fire brigade there.

Certain evidence given in a local lawsuit put the police on the track of the incendiaries, and it was found that the chief traders and artisans, together with the Burgomaster, were the heads in the conspiracy.

ORCHARD BALKS INQUISITOR

LAWYER STILL POWERLESS TO GAIN A SINGLE POINT.

Witness Continues Rehearsal of His Tale of Crime and Connects Haywood More Closely With His Murderous Work for the Western Federation of Miners.

Boise, June 10.—Lawyer Richardson got very little consolation out of Harry Orchard to-day in the course of nearly five hours cross-examination.

The scope of the inquiry ranged all the way from the blowing up of the Independence depot on June 6, 1904, to the attempt to blow up Bradley, the ex-manager of the Bunker Hill and Sullivan mine, at Wardner, in November of the same year.

It was the same old story. Orchard remembered every detail that he had testified to in the direct examination and a good many more of them, none of which appeared to be in any material way inconsistent with his original account.

Lawyer Richardson from the very beginning of his cross-examination has adopted with this amazing witness a tone of frank and contemptuous incredulity. He maintained that tone to-day. His manner seems intended to say: "This tale is not worth the breath it took to utter it, but just as a matter of form I will examine its fabricator for a week or so."

ORCHARD UNREVEALED.

This sort of thing did not seem to ruffle Orchard much. Once in a while his voice took on a tinge of testiness, but he was always willing to go to any amount of trouble to prevent the lawyer from putting into his mouth anything that was not precisely what he had said.

There were several sharp passages between Orchard and the lawyer and the result was about a standoff. Once Orchard was telling how he and Haywood and Pettibone were discussing the Independence depot affair after it had been pulled off. He said that James Kirwan, who now temporarily holds Haywood's job in the federation, was in the room, but had gone out before they talked about the blowing up of the station.

"Do you say that because you know that Kirwan is here and is going to testify?" inquired Richardson.

"No, sir," said Orchard.

"Or because you do not want to implicate him?"

"I don't want to involve anybody in this business who ain't responsible," was Orchard's reply.

ONE LEAD QUICKLY ABANDONED.

Richardson struck one lead to-day which he abandoned with a suddenness that almost amounted to a panic. As soon as Orchard resumed the stand the lawyer wanted to know if he had seen Detective McParlan since he left the stand on Saturday. He said he had.

"Did he make any suggestions about your testimony or propose any corrections?" demanded Richardson.

"No," said Orchard, "but he spoke of what gave me strength to go through with this examination."

"Oh, all right," said Richardson shortly and dropped that branch of the subject without further ado. He had no desire to hear anything from Orchard about his motive for confessing.

At another time, a little later, Richardson was questioning the witness about some talk he had had with Haywood and Pettibone and was doing his best to get Orchard to say on what date it took place and where it was held. Orchard could not do more than tell him about what time it was. He thought it was at headquarters or in Pettibone's store, but he wasn't sure which it was.

"Have you been cautioned by anybody not to fix these dates too definitely?" demanded Richardson.

"No, sir," retorted Orchard, promptly. "I've been cautioned about nothing only to tell the truth."

"Who cautioned you to do that?" "Mr. McParlan and Mr. Hawley."

"Ever had any letters of encouragement from William A. Pinkerton?"

"No, sir, never."

WON'T TELL WHAT HE DOESN'T KNOW.

Again Richardson asked Orchard if he was afraid to be tied down to dates. "No, sir," said Orchard simply. "I ain't afraid to be tied down to anything, but I don't propose to tell anything that I don't know."

Richardson spent considerable time on the matter of the blowing up of the Independence depot and from his questions it appeared that a strong attempt will be made to prove that the blowing up of the station was plotted by the Mine Owners Association and that they hired Orchard to do it, thinking it would be charged to the federation. According to this theory it was not planned to kill anybody. The station was to be blown up in a considerable time before the train got in and when there was nobody on the platform. The station was old and of trifling value. It will be contended by the defense that Orchard made a mistake and set off the bomb a little too late, waiting until the shift of non-union mine workers had come out of the mines and had hurried to the station to take the train, which was just coming around the bend half a mile away.

Orchard's explanation of the fact that he and Adams set off the bomb while the train was still some distance away was that Sherman Parker, who was tried in February, 1904, for the train wrecking plot the preceding autumn, had told him that there was a friend of his named Rush who was an engineer on the train and he didn't want him killed. Parker told him, Orchard said, that Rush had testified for him in that trial.

THEORY CREATES COMPLICATIONS.

How far the defense can